

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

WILLIAM H. MELENDEZ,

Plaintiff,

v.

Case No. 3:20-cv-01023-BJD-JBT

MARK S. INCH, et al.,

Defendants.

ORDER

1. Plaintiff's unopposed motion to seal documents in support of his emergency motion for preliminary injunction (Doc. 172) is **GRANTED** because the records Plaintiff seeks to file in support of his emergency motion contain protected health information, and Plaintiff has docketed redacted versions of his memorandum of law in support of his motion for preliminary injunction and Dr. Kupers' expert report. Plaintiff shall file the sealed documents by **September 28, 2021**, and provide copies to Defendants. The seal shall remain in place indefinitely.

2. Plaintiff seeks permission to conduct expedited limited discovery in support of his motion for preliminary injunction (Doc. 173), which Plaintiff represents Defendants Inch, Palmer, Davis, and McClellan oppose. Given the

circumstances, the Court finds good cause to rule on the motion without awaiting a response. Upon review, the motion is **GRANTED**. Plaintiff may serve expedited discovery requests on Defendants Inch, Palmer, Davis, and McClellan for the following: (a) Plaintiff's medical and mental health records from August 1, 2021, through the present, including those from Memorial Hospital Jacksonville (to the extent those are in Plaintiff's prison medical file); (b) Plaintiff's classification and disciplinary records from July 1, 2020, through the present; (c) "Daily Record of Special Housing" forms for Plaintiff from January 12, 2021, through the present; (d) video footage of the July 26, and 28, 2020 use-of-force incidents involving Plaintiff; and (e) video footage of "conduct that has resulted in disciplinary charges against [Plaintiff] and/or any and all uses of force against [him]" from August 1, 2021, to the present.

Defendants Inch, Palmer, Davis, and McClellan shall respond to the discovery requests within **seven days** of receipt of the requests.

3. Defendants Inch, Palmer, Davis, and McClellan shall respond to Plaintiff's emergency motion for preliminary injunction by Monday, **October 4, 2021, at 1:00 p.m.** See M.D. Fla. R. 6.02(c). Plaintiff may file a reply of no more than 10 pages by Tuesday, **October 5, 2021, at 1:00 p.m.**

4. Plaintiff's emergency motion for preliminary injunction (Doc. 172) is set for a **HEARING** on Wednesday, **October 6, 2021, at 10:00 a.m.** at the

Bryan Simpson United States Courthouse, 300 North Hogan Street, Jacksonville, Florida 32202, in Courtroom 12C.¹ The hearing will be conducted in accordance with Local Rule 6.02 and Rule 65.

5. Plaintiff's request for an evidentiary hearing (Doc. 175) is **DENIED without prejudice**. The subject of Plaintiff's motion does not appear to involve "bitterly contested" facts or require the Court to make credibility determinations. See McDonald's Corp. v. Robertson, 147 F.3d 1301, 1311 (11th Cir. 1998) (discussing the circumstances under which an evidentiary hearing is necessary before ruling on a motion for preliminary injunction). The hearing will be limited to the written submissions and arguments of counsel. Plaintiff's presence is not required.

After Defendants respond to the motion for preliminary injunction, if it appears the facts are bitterly disputed or credibility determinations must be made, the Court may reconsider the request for an evidentiary hearing.

¹ Anyone entering the courthouse must have photo identification. Only lawyers with either a Florida Bar identification card or a pro hac vice order may enter the courthouse with electronic devices. See General Order (Doc. 1), Case No. 6:13-mc-94-Orl-22 (M.D. Fla. 2013). Additionally, all parties shall comply with social distancing measures. See In re Restriction on Courthouse Access due to COVID-19, Case No. 3:20-mc-23-J-32 D.E. 1 (M.D. Fla. July 30, 2021).

DONE AND ORDERED at Jacksonville, Florida, this 27th day of
September, 2021.



BRIAN J. DAVIS
United States District Judge

Jax-6
c:
Counsel of Record